

Remarks

This is in response to the final Office Action mailed on January 7, 2004. Reconsideration and allowance are respectfully requested in view of the following remarks.

In the Action, claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gage et al., U.S. Patent No. 5,796,688. This rejection is respectfully traversed for at least the following reasons.

Claim 1 recites that the recording/reproducing apparatus comprises a plurality of optical heads provided on a same side with respect to the recording medium. Claim 1 further recites that the plurality of optical heads is assigned to reproduce information from or record information in different recording layers respectively and simultaneously.

The rejection states that Gage discloses, in Figure 3, a plurality of optical heads 21a and 21b provided on a same side with respect to a recording medium. The rejection further states that Gage discloses, in Figure 1 and at column 3, lines 13 and 14, a two-sided storage device having layers on each side that are independent but that can be used simultaneously. The rejection concludes that it would have been obvious to combine the plurality of heads disclosed in the device illustrated in Figure 3 of Gage with the two-sided device disclosed in Figure 1 of Gage. This combination is respectfully traversed.

The device disclosed in Figure 3 of Gage is configured in manner that is completely different from the device disclosed in Figure 1. For example, the device of Figure 1 is two-sided. However, is no suggestion as to how or why it would be desirable to combine the two-sided device disclosed in Figure 1 of Gage with the single-sided device disclosed in Figure 3 of Gage. Further, assuming for the purpose of argument only that such a combination could be accomplished, the resulting device would not include a plurality of optical heads provided on a same side such that the heads are assigned to reproduce information from or record information in different recording layers simultaneously, as recited by claim 1.

For at least these reasons, Gage fails to render claim 1 obvious under section 103(a). Reconsideration and allowance of claim 1, as well as claims 2-5 that depend therefrom, are respectfully requested.

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested.
The Examiner is encouraged to contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: April 6, 2004

By: Curtis B. Hamre
Name: Curtis B. Hamre
Reg. No.: 29,165
CBH/RAK